



POLICE CRIMINAL COMPLAINT

Docket Number: CL-293-18	Date Filed: 11/30/18	OTN/LiveScan Number: U653413-5	Complaint/Incident Number PA18-1211823
Defendant Name:	First: Linda	Middle: R	Last: NOLAN

AFFIDAVIT of PROBABLE CAUSE

I, your affiant, am a Member of the Pennsylvania State Police currently assigned to Troop H Chambersburg, Criminal Investigative Unit. During my career as a Pennsylvania State Trooper, I have investigated several different crimes that include but not limited to homicides, suicides, physical assaults, sexual assaults, and crimes against children.

On 10/19/18 I was dispatched to Miracle Bush Learning Center located at 9540 Molly Pitcher Highway, Southampton Twp., Franklin County. This building is described as a yellow single story building with doors on the front south corner and north corner. There is a playground in the back with a black fence around it. Their hours of operation is 0530 until 1800 hours however some children arrived as early as 0345 hours. The ages of the children varied from infant to seven years of age.

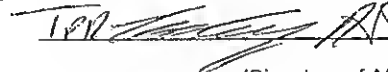
The original dispatch was related to the owner, Michael NOLAN, aggressively, physically pushing [REDACTED] out of the building. [REDACTED] was the [REDACTED] I spoke with [REDACTED] and [REDACTED] (staff members) at the scene who related that there have been ongoing issues with the daycare pertaining to Michael and Linda NOLAN (owners of Miracle Bush) and their treatment of staff and children.

On 10/26/18 I spoke with [REDACTED] at station. She worked at Miracle Bush from September 24, 2018 until October 19, 2018. I asked her what occurred on 10/19/18. She related that several staff members came to her with concerns about the way that Michael and Linda NOLAN were treating the children. They all decided that they were going to quit. She waited to leave until all the other staff members gathered their belongings. When Michael saw what was happening he started to berate her and told her that she needed to leave. She informed him that she was going to leave once everyone else got their belongings. Michael proceed to grab her by the shoulders and aggressively push her towards the door. Once they were at the door, he gave her a violent shove out of the door. She related that she tensed up her back and leg muscles to keep from falling. Because if this, she related that she was sore. She proceeded to her vehicle and waited until the other staff members exited the building. Michael came towards her vehicle. She was able to lock the door just before he attempted to open the door and demanded that she get out. Once he saw that she was on the phone, he retreated into the building. She related that this was in front of the children.

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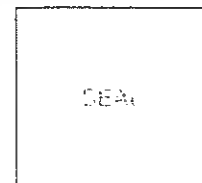
I, TPR. LINDSEY TRACE, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.


(Signature of Affiant)

Sworn to me and subscribed before me this 30th day of November 2018
11-30-18 Date Todd R. Zinn, Magisterial District Judge

My commission expires first Monday of January, 2020





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██████████ further related that in her short time working there, she observed several things that gave her great concern. She explained that Linda and Michael would yell and scream at the kids. She described that kids were put in "bucket seats" for long periods of time for punishment. Bucket seats were explained as plastic seats that sit into a table. They have a belt to restrain the kids from getting up or falling. Linda would put kids in these seats if she "couldn't control them" Linda would also withhold their snack from them for being "bad." Linda and Michael thought that kids were born to behave and if kids were ornery or "just being kids" they were considered bad and they were punished. Michael and Linda would both put kids in the bucket seats for punishment.

██████████ also related that one time she was in the office and needed Michael to look at something on the computer. While they were looking at the computer, Michael started to run his hand up her inner thigh towards her waist/vagina. He left his hand resting on her inner thigh. This was unwanted contact. She had to move her body in several different ways for him to remove his hand from her inner thigh.

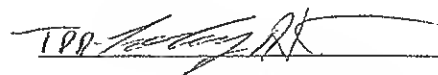
On 10/31/18 I interviewed ██████████. She related that she had concerns about what was going on at the daycare. She gave me an example that there was a two-year-old girl (), that was left in the bucket seats all day. I asked her what all day consisted of. She related that this girl would spend 5 hours in the bucket seats. If the staff took any of the kids out of the bucket seats, Linda would berate them (staff) and yell at the kids and put them back in the seats. She stated, "they had to strap kids in with like a seat belt, so they couldn't get out." I asked her what age group of kids would be appropriate for the bucket seats. She explained that two-years of age would be the oldest that should be in there. However, some of the two-year-old children were big for their age and they should not have been in the bucket seat. She related that " " was too big to be in the seat. " " was not able to swing her legs or move at all while in this seat.

██████████ explained that on 10/19/18, she was in the front room with the older kids for most of the day. Linda took their morning snack away from them. There was a three-year-old boy who was out of his seat. Linda came out from the office and "grabbed him by the upper arms and tossed him into his chair. The chair rocked. She was behind him and she was still holding his arms and she shook him and his head snapped back and forth. He started crying. She got in his face and started yelling, 'why can't you sit down? Why can't you listen? What's wrong with you?'" She related that Linda shook him two or three times and described it as "forceful." " " was "sobbing" after this happened and she could tell that he was scared.

██████████ related that the same day, a five-year-old boy () would not lay on his nap mat. Michael came out of the kitchen, grabbed , by the hood and pulled him off of his mat and across the carpet. He took his mat from him and made him stand for the remainder of nap time. She told ██████████ what had happened, and they decided that they needed to quit. She related that she saw Michael grab ██████████ by the shoulders and he "threw" her out the front door.

I asked ██████████ what a normal day was like there. She related that Linda would leave the kids with the assistant teachers even though they did not meet the criteria to be left alone with the children. Linda would tell them not to tell anyone that they were being left alone with the kids. Linda would never allow the children to go outside. Linda would make the kids sit for hours in the morning with nothing to do. They would eat lunch around 1130 and then have quiet time for two hours. After quiet time was supposed to be bathroom time. She stated, "she (Linda) treated that like a privilege. There were two of them that wore pull ups and if they weren't quiet during nap time, she would make them sit in their pull up for two or three hours even if they were wet." Linda knew that the kids needed changed. Linda would feel their pull up and say, "well you weren't quiet, so now you have to sit in it." The staff would ask to change the children. Linda would tell them, "well I'm your boss and I told you no."

██████████ said that a punishment that Linda would give to the kids was making sit at the table with their heads down. She recalled all of the preschool children having to sit there with their head down from 1430 hours until 1800 hours.



(Signature of Affiant)



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AFFIDAVIT of PROBABLE CAUSE CONTINUATION

related that one time one of the kids was rocking his chair on two legs. Linda came behind him and up ended it with him still in the chair. She then made the children stand. She remembers one child, three-year-old () having to stand for an hour and a half. If he would move to shift his weight, Linda would add time.

described Michael and Linda "mean aggressive" with the kids. She stated, "I saw Mike put his hands on kids more." She described that Michael would grab kids to put them back in their chair or grab kids to move them.

I asked about kids in bucket seat. She related that there was a two-year-old boy () who was in the bucket seat for seven or eight hours a day. This was seven or eight hours straight with no play time or breaks. He was only allowed out of the seat to be changed if it started to stink (poop). Nobody would be allowed to check to see if he had wet his pants. The staff was instructed by Linda to get him out of the seat 15 minutes prior to his parents picking him up and put crayons in front of him to "pretend he wasn't in the bucket since he got there." She also related that this boy is too big for the bucket seat, but he was still forced to sit there all day.

also mentioned that () was in the bucket seat for five hours. She related that () was buckled into the seat for the whole 5 hours so that she could not get out.

agreed that these children were "beaten into submission." Without hesitation she stated, "yes. They are terrified of her. I am terrified of her. They listen to her because they know that something bad will happen if they don't."

related that kids in the bucket seat would just scream until they tired themselves out or their will was broken.

On 11/01/18 I interviewed () at PSP Chambersburg. She was the employee at Miracle Bush. She started to work at Miracle Bush in May of 2018 and quit in August of 2018. She related that Linda and Michael would yell and scream at the kids. Examples that she could think of were, "You don't listen.... Sit down.... What have I been telling you... I can't take this... Shut up." She described it as "college talk." This occurred during the whole time she was employed there and was said numerous kids.

related that the kids would sit at tables all day without anything to do. Linda would only allow the kids to have one-bathroom trip during this time.

described that one time she was in the back room and could hear "thuds." She was informed that Linda was in the bathroom with one of the children. () was not sure what was going on until one day she walked past the bathroom and saw Linda grab five-year-old boy by the upper arm and drag him into the bathroom. She described that Linda, "picked him up and stuck him against the wall. She was nose to nose with him screaming 'you are not going to act like this. I told you before.'"

Linda told her () and other staff members to pull girls' pony tails because "it does not leave marks and it gets their attention."

also related that there was a two-year-old girl, () that Linda did not like when she moved on her nap mat. There were numerous times while () was employed there that Linda would grab her by the collar and back of her pants and "slammed" her on her mat on her belly and took her hand and held her head down on the mat. Linda would state, "THIS is when you have to show them who the boss is."

confirmed what the other staff members had mentioned about the use of bucket seats for punishment and the length in which they were in there.

related that there was a child with diagnosed autism. When she would have her "fits," Linda would "restrain" her in a high chair. Linda stated, "I'm going to leave her here until she learns." She would be in the highchair from 1330 hours until 1700 hours.

(Signature of Affiant)



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AFFIDAVIT of PROBABLE CAUSE CONTINUATION

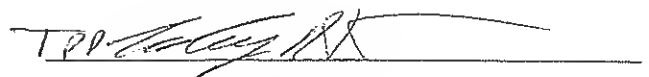
On 11/21/18 I spoke with [REDACTED] who is a parent to a child that used to go to Miracle Bush. Her son, [REDACTED], attended Miracle Bush in 2016 and stopped attending in August of 2017. During the time that he attended Miracle Bush, [REDACTED] was always hungry because Linda would withhold his snack for punishment. [REDACTED] reported that [REDACTED] was put in a high chair and was not allowed to get out.

A CAC interview was held for [REDACTED]. During the CAC interview he stated, "a man pulled me by my hood." He identified the "man" and Michael NOLAN. He related that he was pulled by his hood because he was rolling around on his mat. He further described the incident by stating, "I was getting dragged."

On 11/14/18 I spoke with [REDACTED]. She is the grandmother of [REDACTED] and was an employee of Miracle Bush. The week after the 10/19/18 incident, Miracle Bush closed. Linda asked [REDACTED] to work the mornings for her to help with ratios. During the week that Miracle Bush was closed, Linda asked [REDACTED] to store a table with bucket seats and filing cabinets in her garage. On 11/14/18, [REDACTED] became aware that [REDACTED] was being abused. [REDACTED] quit working at Miracle Bush and contacted me. She informed me that she was in possession of the bucket seats. I obtained a search warrant to seize the table and bucket seats. These items match the description that [REDACTED] and [REDACTED] gave of the bucket seats that the children were restrained in.

On 11/28/18, I obtained records from inspections that were done by Department of Human Services. One inspection on 09/10/18 stated, "observed two school-age children cleaning the floor on their hands and knees with rags containing bleach water."

Based on the information set forth within this complaint, I respectfully request Linda NOLAN be asked to answer to these charges.



(Signature of Affiant)